

APPENDIX

DESCRIPTION OF THE ERRORS UPON WHICH REISSUE IS BASED

I. Errors In Claiming Less Than Each Inventor Had A Right To Claim Which Are to Be Corrected By Reissue

1. An error is the inclusion of the last subparagraph of the original patent independent claim 1 of the features relating to the removable cover. The last subparagraph of the original patent independent claim 1 sets forth "a removable cover on said pouch enclosing said fitment to define a hermetically sealed volume around said fitment over said opening". This was an error and was unduly limiting because excluded from the scope of original patent claim 1 was a package without a removable or non-removable cover, and because original patent claim 1 did not clearly encompass a package with a cover in the form of a lid which could be non-hermetically sealed around the fitment and which could be attached by a hinge or could be a separate structure as set forth in the patent at column 12, lines 49-51. The new independent claim 9, the new independent claim 12, and the new independent claim 16 along with the new dependent claims 10-11, 13-15, and 17-19 as now set forth in this reissue application correct the error by providing different claim scopes. In particular, the reissue application new independent claim 9 is identical with the preamble and first three subparagraphs of the original patent claim 1 except that the new claim 9 has omitted the unduly limiting last subparagraph of the original patent claim 1 setting forth a cover. The reissue application new independent claim 12 also does not set forth the cover, and sets forth the following:

"A package comprising:

a collapsible pouch defined by at least two, opposing, flexible web portions that are sealed together adjacent an interior region which is unsealed and that are separated at a peripheral region to define an opening to the interior region;

a fitment that includes (A) a base sealingly secured to said web portions along said opening, (B) a spout extending from said base and terminating with an end defining a dispensing orifice, and (C) a dispensing passage that extends from said interior region through said base and spout to said dispensing orifice; and

a flexible valve that (A) has a self-sealing slit which opens to permit flow therethrough in response to increased pressure on the side of said valve facing the interior of said pouch, and (B) is disposed within said fitment across said fitment dispensing passage inwardly of said dispensing

orifice so that said slit is located inwardly of said dispensing orifice below said spout when said slit is closed."

The reissue application new independent claim 16 also does not set forth the cover, and sets forth the following:

"A package comprising:

a collapsible pouch defined by at least two, opposing, flexible web portions that are sealed together adjacent an interior region which is unsealed and that are separated at a peripheral region to define an opening to the interior region;

a fitment that includes (A) a base sealingly secured to said web portions along said opening, (B) a spout extending from said base and terminating with an end defining a dispensing orifice, (C) a dispensing passage that extends from said interior region through said base and spout to said dispensing orifice, and (D) an interior surface around said dispensing passage; and

a flexible valve that (A) has a central wall with a self-sealing slit which opens to permit flow therethrough in response to increased pressure on the side of said valve facing the interior of said pouch, (B) has a peripheral flange laterally beyond, and connected to, said central wall, and (C) is disposed wholly within said fitment across said fitment dispensing passage with said valve flange sealingly engaged with said fitment inner surface."

2. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 10 which is a new dependent claim which includes the features of the reissue application new parent independent claim 9 as described above plus the features explicitly set forth in the new dependent claim 9 per se.

3. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 11 which is a new dependent claim which includes the features of the reissue application new parent independent claim 9 as described above plus the features explicitly set forth in the new dependent claim 11 per se.

4. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 13 which is a new dependent claim which includes the features of the reissue application new parent

independent claim 12 as described above plus the features explicitly set forth in the new dependent claim 13 per se.

5. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 14 which is a new dependent claim which includes the features of the reissue application new parent independent claim 12 as described above plus the features explicitly set forth in the new dependent claim 14 per se.

6. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 15 which is a new dependent claim which includes the features of the reissue application new parent independent claim 12 as described above plus the features explicitly set forth in the new dependent claim 15 per se.

7. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 17 which is a new dependent claim which includes the features of the reissue application new parent independent claim 16 as described above plus the features explicitly set forth in the new dependent claim 17 per se.

8. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 18 which is a new dependent claim which includes the features of the reissue application new parent independent claim 16 as described above plus the features explicitly set forth in the new dependent claim 18 per se.

9. An error is the failure in the original patent to have a claim with the broader scope of the reissue application new claim 19 which is a new dependent claim which includes the features of the reissue application new parent independent claim 16 as described above plus the features explicitly set forth in the new dependent claim 19 per se.

II. How the Errors In The Patent Arose Through An Error In Conduct Without Fraudulent Or Deceptive Intention; When The Errors Were Discovered; And How The Errors Are To Be Corrected

I read and reviewed the specification and claims of my original application Serial No. 09/196,301 that resulted in the original Letters Patent No. 6,050,451, and I gave all reasonable care, study and thought to the preparation of the application Serial No. 09/196,301 and to the prosecution thereof within my ability

to comprehend the specification and claims. At the time the application was filed, and during prosecution, I did not appreciate that the claim language originally employed included unnecessary limitations in view of the prior art until later pointed out by one of the attorneys of record in this reissue patent application.

The above-identified errors were discovered in 2001 during a review of the Letters Patent and product design relating to the subject matter of the Letters Patent.

The above-identified errors were made without any fraudulent or deceptive intention by me, or by the prosecuting attorneys in preparing the original application for my review, and I failed to notice and correct the errors during my review of the patent application prior to execution and thereafter during prosecution of the application.

The above-identified errors are to be corrected by including the following amendments in the reissue application by Preliminary Amendment: the presentation of the designated new claims 9-19.